

Docket Item #20
VACATION #2005-0003

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for vacation of public right-of-way.

APPLICANT: Richard and Elizabeth Tonner

LOCATION: 418 West Braddock Road

ZONE: R-8/Single-family zone

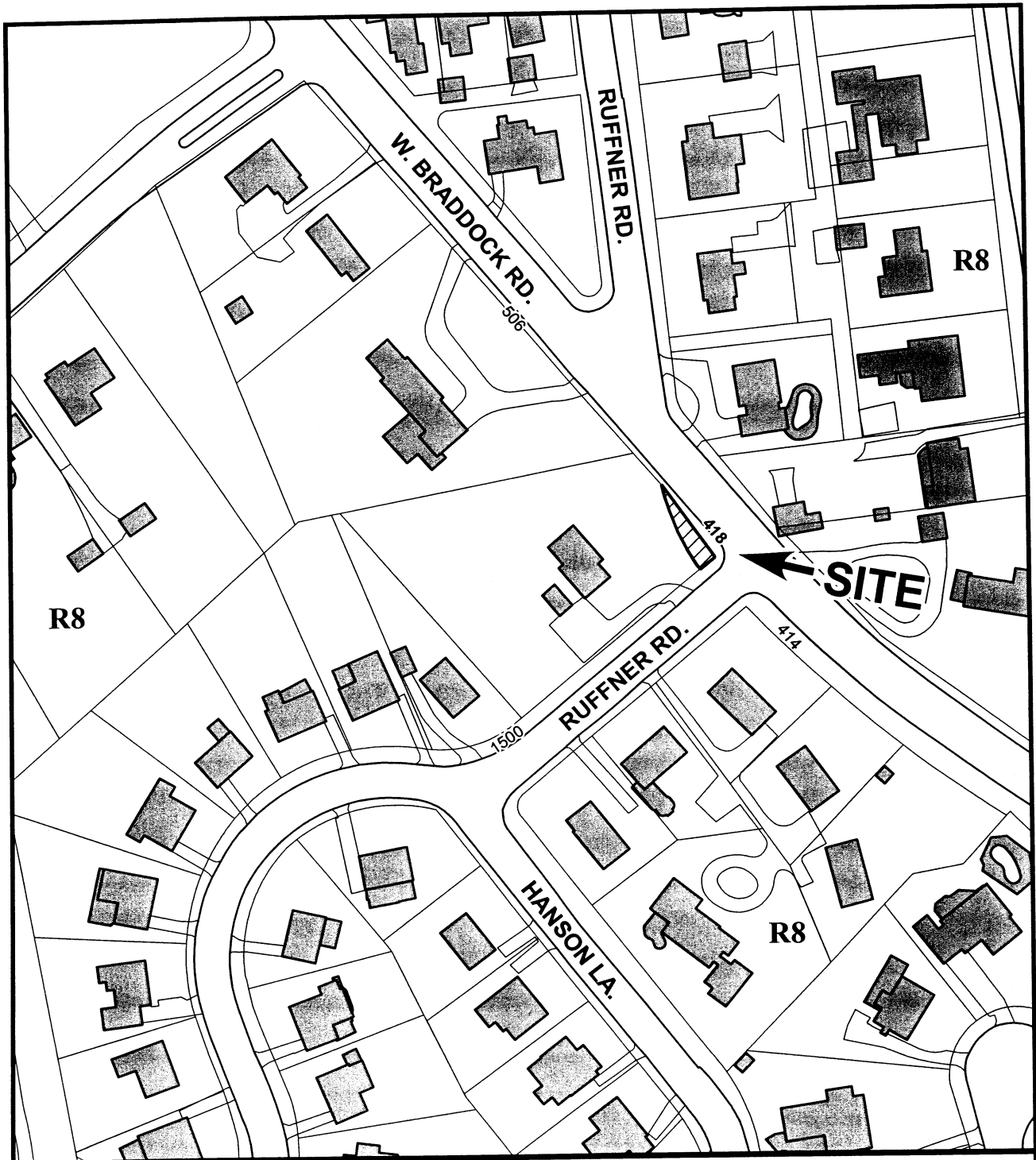
PLANNING COMMISSION ACTION, SEPTEMBER 8, 2005: On a motion by Mr. Robinson, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, including modification of condition # 4 to delete the reference to the prohibition on fences in the vacated area. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission disagreed with the staff analysis and felt that both the property owner and City would benefit from the vacation of this small portion of right-of-way.

Speakers:

Richard and Elizabeth Tonner, applicants for the vacation, spoke regarding their request. They indicated that they would like to purchase this small piece of right-of-way from the City. They have been maintaining this property for many years. If the property is vacated, they would like to be able to erect a fence or low wall in the area to be vacated and would like to have the condition restricting a fence deleted.

Richard Murphy of 414 West Braddock Road spoke in support of the request.



VAC #2005-0003

09/08/05



I. DISCUSSION

REQUEST

The applicant, Richard and Elizabeth Tonner, requests the vacation of an area of right-of-way at the northwest corner of West Braddock and Ruffner Roads, on the west side of Braddock Road.

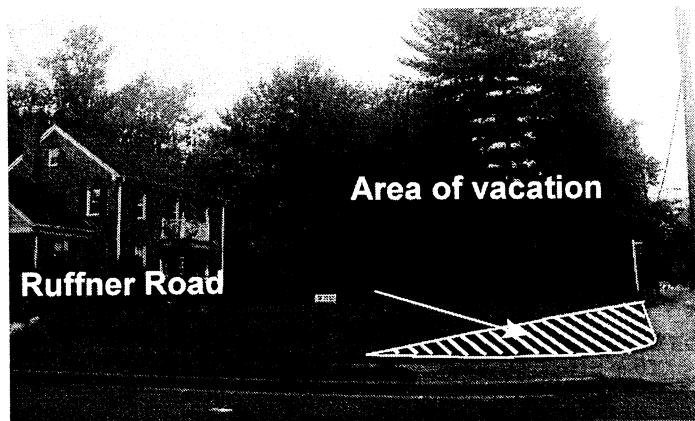
SITE DESCRIPTION

The subject property is a portion of right-of-way with 85.7 feet of frontage on West Braddock Road, approximately 25 feet of frontage along Ruffner Road, and a total area of 1,455 square feet. The applicant is the owner of the adjacent property at 418 West Braddock Road, which is one lot of record with approximately 99 feet of frontage on West Braddock Road, approximately 186 feet of depth, and a total lot area of 32,036 square feet. The property is occupied by a single family home, which is consistent with the surrounding residential uses.

PROJECT DESCRIPTION

The applicant requests a vacation of 1,455 square feet of Braddock Road to consolidate it with the existing property at 418 West Braddock Road (see attached plat). If the vacation request is approved, the applicant's total lot area will be approximately 33,491 square feet.

When the applicant purchased the property, the subject and adjacent properties were planted with a continuous hedge, giving the area the appearance that it was part of the property at 418 West Braddock Road. The applicant uses and maintains the subject property, which is currently planted with grass and contains a guy wire to a telephone/electric pole. The applicant has requested the vacation in order to add landscaping at the corner and has agreed not to use the vacated land area to derive any increased development rights for the adjacent property.



DEVELOPMENT POTENTIAL

According to Section 3-306 (B) of the Zoning Ordinance, the maximum permitted floor area ratio in the R-8 zone is .35. The private lot at 418 West Braddock Road now includes 32,036 square feet of land and approximately 2,250 square feet of building area, resulting in a building with a floor area ratio of .07. Technically, an additional 8,900 square feet could be added to the existing building under the zoning regulations for a maximum building area of 11,200 square feet. If the proposed vacation is approved and the additional land consolidated into the existing lot, the current building floor area ratio will remain virtually unchanged. In that case, theoretically, an additional 509 square

feet of building area would be allowed to be built for a maximum total building area of 11,700 square feet. The development potential is ample without the minor additional potential from the vacation.

BACKGROUND

An 1896 subdivision of the area shows a road named Summit Avenue connecting Braddock Road to Alexandria Avenue in the approximate location of the current Orchard Street. It appears that this portion of Braddock Road did not exist at that time, and that the area requested in the vacation was the curved transition to Ruffner Road on the north side of Braddock Road. Since that time, Summit Avenue was changed to Orchard Street. In 1969, Ordinance #1597 vacated portions of Orchard Street immediately southeast of Ruffner Road at 406, 410, and 414 West Braddock Road as the street was deemed not needed for public use.

ZONING / MASTER PLAN

The subject property is zoned R-8/Single-family zone, and is located in the Northridge/Rosemont Small Area Plan.

II. STAFF ANALYSIS

Staff recommends denial of the applicant's request for a vacation of the public right-of-way located adjacent to 418 West Braddock Road.

Staff is concerned about the loss of public land, especially green areas, and about creating additional development opportunities through the sale of public land to private owners. Last year, when a case seeking to vacate right-of-way at South Royal Street was before the City, Council discussed its policy in terms of open space and with regard to the valuation of the land to be vacated. As a result of its discussion of vacation policy, Council acted in two ways. First, it approved the South Royal Street vacation application, but required that the approval include the condition recommended by staff that precluded future development potential from the vacated public land. Second, on February 10, 2004, Council adopted a new valuation policy for vacated city land, essentially distinguishing between those cases where development rights accrue to the purchaser of city land and those where they do not. In addition, Council asked that staff advise about new vacation cases early in the process, and directed that the proceeds from right-of-way vacations be allocated to the City's Open Space Fund.

In this case, Planning staff provided Council with a copy of the vacation case when it was filed. In addition, the applicant is agreeable to a condition that specifically prevents the creation of any additional development rights as a result of this vacation.

Despite the limitation on future development, staff is cognizant of the general concern over the vacation of right-of-way and therefore recommends denial of this application.

III. PERMIT CONDITIONS

Staff recommends **denial** of this application. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation filed with the Departments of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z)
2. The applicant shall pay fair market value for the area to be vacated as determined by the Office of Real Estate Assessments. (T&ES)
3. Easements must be reserved for all existing public and private utilities within the area to be vacated (guy wire for pole, overhead utility wires, there may be others). The applicant shall show all easements on the plat of consolidation. (T&ES)
4. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The property owners may not construct any buildings, or improvements, including driveways, parking spaces, ~~or fencing~~, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation. (P&Z) (PC)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Lorrie Pearson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall pay fair market value for the area to be vacated as determined by the Office of Real Estate Assessments.
- R-2 Easements must be reserved for all existing public and private utilities within the area to be vacated (guy wire for pole, overhead utility wires, there may be others). The applicant shall show all easements on the plat of consolidation.
- R-3 The vacated area is to be consolidated into the adjoining property.
- F-1 T&ES has no objection to the vacation of this excess right-of-way. The applicant will have to submit a plat that describes the area to be vacated as well as a plat showing consolidation of the vacated right-of-way with lot 520.

Code Enforcement:

- F-1 No comments.

Real Estate Assessments:

- F-1 Should Planning Commission recommend approval and City Council approve the vacation, staff requests that it be directed to determine the market value either by relying on assessment comparables or acquiring a fee appraisal. As market values continue to escalate at the rapid pace of the last several years, assessment comparables may not reflect the market value at the time of the vacation.

Police:

- F-1 No objections.

APPLICATION for VACATION # 2005-0003

[must use black ink or type]

PROPERTY LOCATION: 418 WEST BRADDOCK ROAD

TAX MAP REFERENCE: 42 04-05-12 ZONE: R-8

APPLICANT'S NAME: RICHARD AND ELIZABETH TONNER

ADDRESS: 418 WEST BRADDOCK ROAD, ALEXANDRIA VA 22302

PROPERTY OWNER NAME: RICHARD AND ELIZABETH TONNER

(Owner of abutting area to be vacated)

ADDRESS: 418 WEST BRADDOCK ROAD, ALEXANDRIA VA 22302

VACATION DESCRIPTION: SMALL PARCEL OF CITY LAND AT
THE CORNER OF WEST BRADDOCK AND RUFFNER
(SEE ATTACHED PLAT)

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

RICHARD C TONNER JR
Print Name of Applicant or Agent

(w) 202-463-1112

Richard C Tonner Jr
Signature

418 WEST BRADDOCK RD
Mailing/Street Address

(w) 703-683-1860

Telephone #

Fax #

ALEXANDRIA VA 22302
City and State Zip Code

6-29-05

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ALEXANDRIA SURVEYS INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY • ALEXANDRIA, VIRGINIA 22306
(703) 660-6615 • FAX (703) 768-7764

April 26, 2005

**DESCRIPTION OF
A PORTION OF
WEST BRADDOCK ROAD
CITY OF ALEXANDRIA, VIRGINIA**

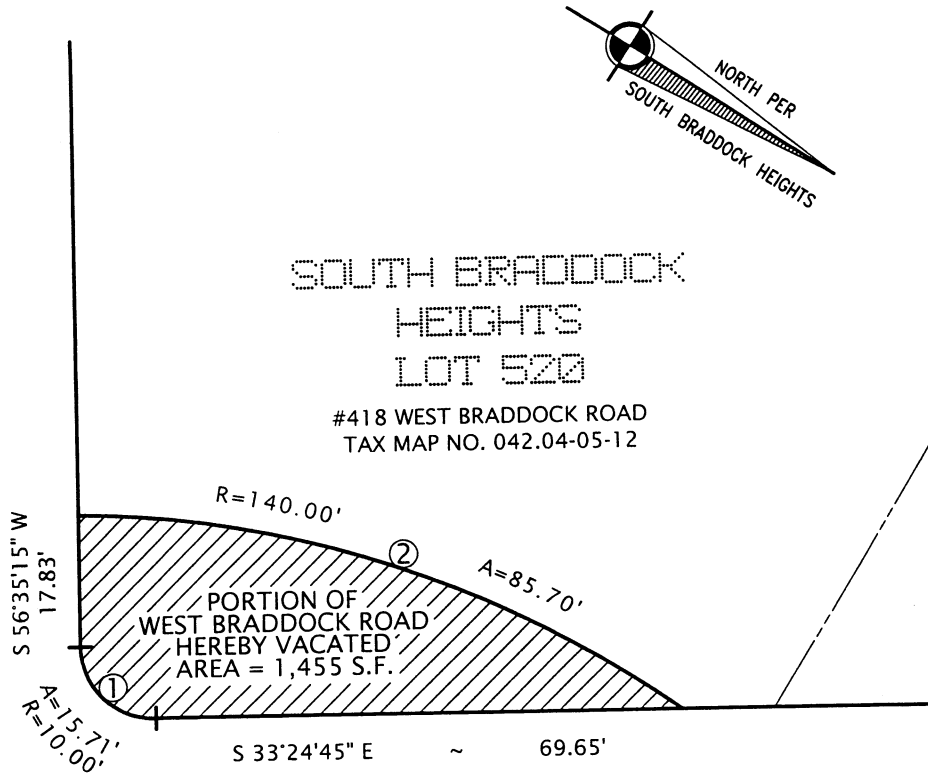
Beginning at the intersection of the westerly right-of-way line of West Braddock Road and the northerly right-of-way line of Ruffner Road, point of beginning lying 25 feet from the centerline of Ruffner Road and being the southeast corner of Lot 520 of a resubdivision of Villa Sites 19, 20 and 21 South Braddock Heights; thence running with the westerly right-of-way line of West Braddock Road along the arc of a curve to the right having a radius of 140.00 feet, a chord of 84.37 feet and chord bearing of N14°09'08"W, a distance of 85.70 feet to a point; thence running through the right-of-way of West Braddock Road the following courses and distances: S33°24'45"E 69.65 feet to a point of curvature, thence along the arc of a curve to the right having a radius of 10.00 feet, a chord of 14.14 feet and chord bearing of S11°35'15"W, a distance of 15.71 feet to a point of tangency, thence S56°35'15"W 17.83 feet to the place of beginning, containing 1,455 square feet, land.

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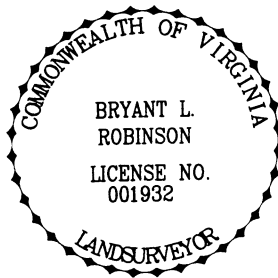
CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD BEARING
1	10.00'	15.71'	90°00'00"	10.00'	14.14'	S 11°35'15" W
2	140.00'	85.70'	35°04'25"	44.24'	84.37'	N 14°09'08" W

RUFFNER ROAD
50' R/W



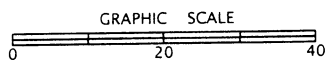
WEST BRADDOCK ROAD
WIDTH VARIES



CERTIFIED CORRECT :

Bryant L. Robinson
BRYANT L. ROBINSON. L.S.

PLAT
SHOWING A VACATION OF A PORTION OF
WEST BRADDOCK ROAD
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' AUGUST 26, 2006



ALEXANDRIA SURVEYS
INTERNATIONAL, LLC

6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764



George M. Foote
Partner

2000 K. Street NW, Suite 500
Washington, D.C. 20006-1872
Office 202.828.7624
Fax 202.857.2141
george.foote@bracewellgiuliani.com

August 30, 2005

PC Docket Item #20
VAC 2005-0003

Eileen Fogarty
Director, Planning and Zoning
City of Alexandria, City Hall
301 King Street, Room 2100
Alexandria, VA 22314

Re: Application for Vacation at 418 West Braddock Road

Dear Eileen:

I am writing to encourage your support for an application for a small property vacation. The application was filed by Richard and Elizabeth Tonner, long time Alexandrians and homeowners at 418 West Braddock Road. The Tonners have had some conversation with your staff about the request, and they have submitted a formal application for the vacation.

The subject of the application is a total of 1455 square feet of grass-covered land that is flat and open, bounded by Braddock, Ruffner and the Tonner's yard. No streets, alleys, building setback lines, floor-area ratios or buildings of any kind are involved with the parcel or the request. The land is, to all appearances, part of a large and attractive front yard of a single family home on Braddock Road.

A letter from the Tonners and a survey showing the property lines is attached. The plat suggests that the city's ownership of the property probably is an anachronism dating back to some long-ago routing of Braddock Road or Ruffner Road.

I know that Council has directed that the City staff take steps to maintain open space in the City, and I am pleased that the Planning staff is moving ahead in that direction. The Tonners, who are both real estate professionals, also agree with the open space policies, and the proposed vacation would be entirely consistent with Council's direction. Incorporated into their existing property, the land would remain open and unimproved by any residential or commercial structure. It would be maintained by the Tonners along with the rest of their front yard in the same way that it has

Ms. Eileen Fogarty
August 30, 2005
Page 2

been maintained since the Tonners bought the property from Immanuel Episcopal Church in 2002, and just as the church maintained it before that.

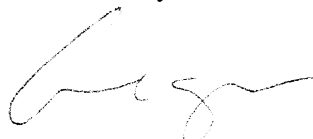
In fact, the City apparently has never assumed responsibility for cleaning or mowing the parcel, nor does the City clear snow from the heavily-used sidewalk that runs through the City-owned strip of land. To the benefit of the City, as well as pedestrians and motorists along Braddock Road, the Tonners have planted, mowed, shoveled and in all ways kept up the parcel along with the rest of their yard. They have thus helped maintain the attractive streetscape along West Braddock.

I should add that the Tonner's request has nothing to do with enlargement of their home or development of their property. Their home is set well back from the small parcel and their existing lot already measures 32,036 square feet. They have ample space on the lot for any conceivable building plan. What they don't have is clear title to the ground that, to all appearances and use, is part of their front yard. As you can imagine, this strip of land could complicate their expectations on any potential sale of their home in the future.

As a matter of rationalizing City and private ownership of property, ensuring good care for a small piece of open space, and encouraging the maintenance of a pleasant Braddock Road area, I hope you will agree that the Tonners' request should be granted.

Many thanks for your consideration.

Sincerely,



George M. Foote

GMF/lmy

cc: Planning Commission
Mayor
Members of City Council

August 30, 2005

PC Docket Item #20
VAC 2005-0003

Ms. Eileen Fogarty
Director, Planning and Zoning
City of Alexandria City Hall
301 King Street, Room 2100
Alexandria, Virginia 22314

RE: Vacation of 418 West Braddock Road

Dear Ms. Fogarty:

We respectfully request your favorable consideration of the vacation of City-owned land adjacent to our property at 418 West Braddock Road. For your further reference, please see the attached Assessment Map.

Situated at the corner of West Braddock Road and Ruffner Road, the parcel consists of a small, crescent-shaped sliver of land that appears to be the front yard of 418 West Braddock Road. It is, and has always been, maintained by the owners of 418 West Braddock Road. Immanuel Episcopal Church, the original owners of our home, understood the sliver of land to be their own, maintained the property as such, and even planted a hedge along the property line, which has since been removed.

We ask that you favorably consider our request for the City to vacate this small parcel based on these merits:

- We dutifully maintain the property, it is "regarded" as our property, and City ownership of this portion of "our" front yard would be a significant impediment to any future sale of the property;

- The vacation of this small parcel would not increase the overall lot size enough to change the FAR, or buildable capacity of the lot. The lot is currently 32,036 square feet;

- In 1969 a similar vacation was granted for City-owned land across Ruffner Road, running south along West Braddock Road. It is thought that this land was to be used as a potential cut-away to a no longer existing street (A home now stands on what would have been the street's throughway). Had 418 West Braddock Road been owned by an individual vs. a church committee, it is likely that the sliver of land would have been part of this earlier vacation.

- It would remain as open space, consistent with the traditional rhythm of the streetscape along West Braddock Road between Ruffner Road and Timber Branch Road;

- The vacation is consistent with the Mission Statement of the City's Open Space Plan:

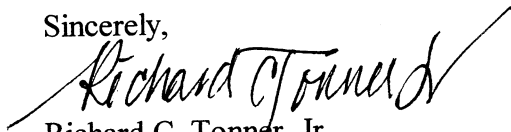
- Goal 11: Enhance streetscapes and gateways, and;
- Goal 15: Protect privately owned space

Ms. Eileen Fogarty
August 30, 2005

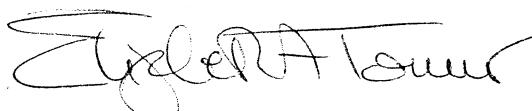
We are firm believers in the preservation of the City's many diverse neighborhoods and their distinctive character. Well-maintained open space is a benefit to all Alexandrians who walk, run, bike or traverse these neighborhoods. The highest and best use of this small parcel is to incorporate it into the property of 418 West Braddock Road to insure that it is a properly maintained, beautiful addition to the existing streetscape and welcome open space for the neighborhood.

We thank you in advance for your consideration.

Sincerely,

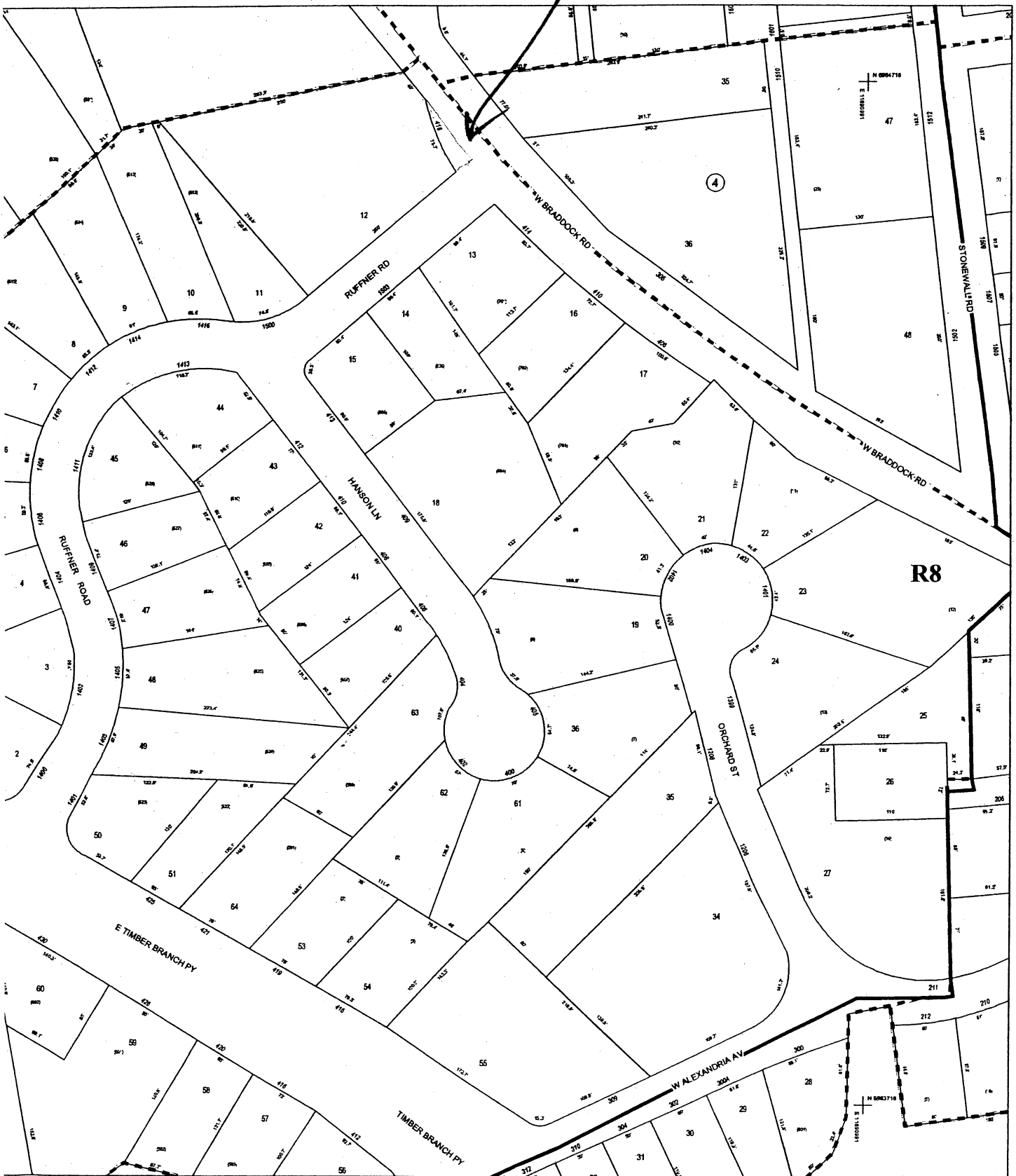


Richard C. Tonner, Jr.



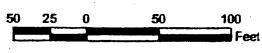
Elizabeth A. Tonner

area to be vacated



R8

1.01
1.03
1.01



ALEXANDRIA, VIRGINIA
ASSESSMENT MAP

SHEET NUMBER

42.04

03-26-2004



"Richard Murphy"
<smurff2@verizon.net>

09/06/2005 04:24 PM

To <Kendra.Jacobs@alexandriava.gov>

cc

bcc

Subject Sept.8 meeting Tonner request

PC Docket Item #20
VAC 2005-0003

Dear Ms. Jacobs,

We are writing to you in support of the application by Richard and Elizabeth Tonner of 418 West Braddock Road to vacate the small parcel of land at the corner of Ruffner Road and West Braddock Road (tax map reference 042.04-05-12).

Our home address is 414 West Braddock Road. Our corner property is directly opposite the Tonners.

In 1969 the Alexandria City Council vacated property which was a portion of Orchard Street (Ordinance No. 1597 adopted at its meeting September 9, 1969) and conveyed deeds to the affected property owners on November 6, 1969. We were among the three property owners who received portions of the vacated street.

We believe the 1969 City Council was remiss when it failed to vacate the property now under application by the Tonners. It appears that this small parcel of land is also a remnant of Orchard Street. There seems to be no legitimate reason for the City to continue to retain that small area since the Tonners have and continue to maintain it beautifully. This omission can be easily corrected by the Planning Commission and by the City Council.

We expect to attend the Planning Commission meeting on Thursday evening.

Sincerely,

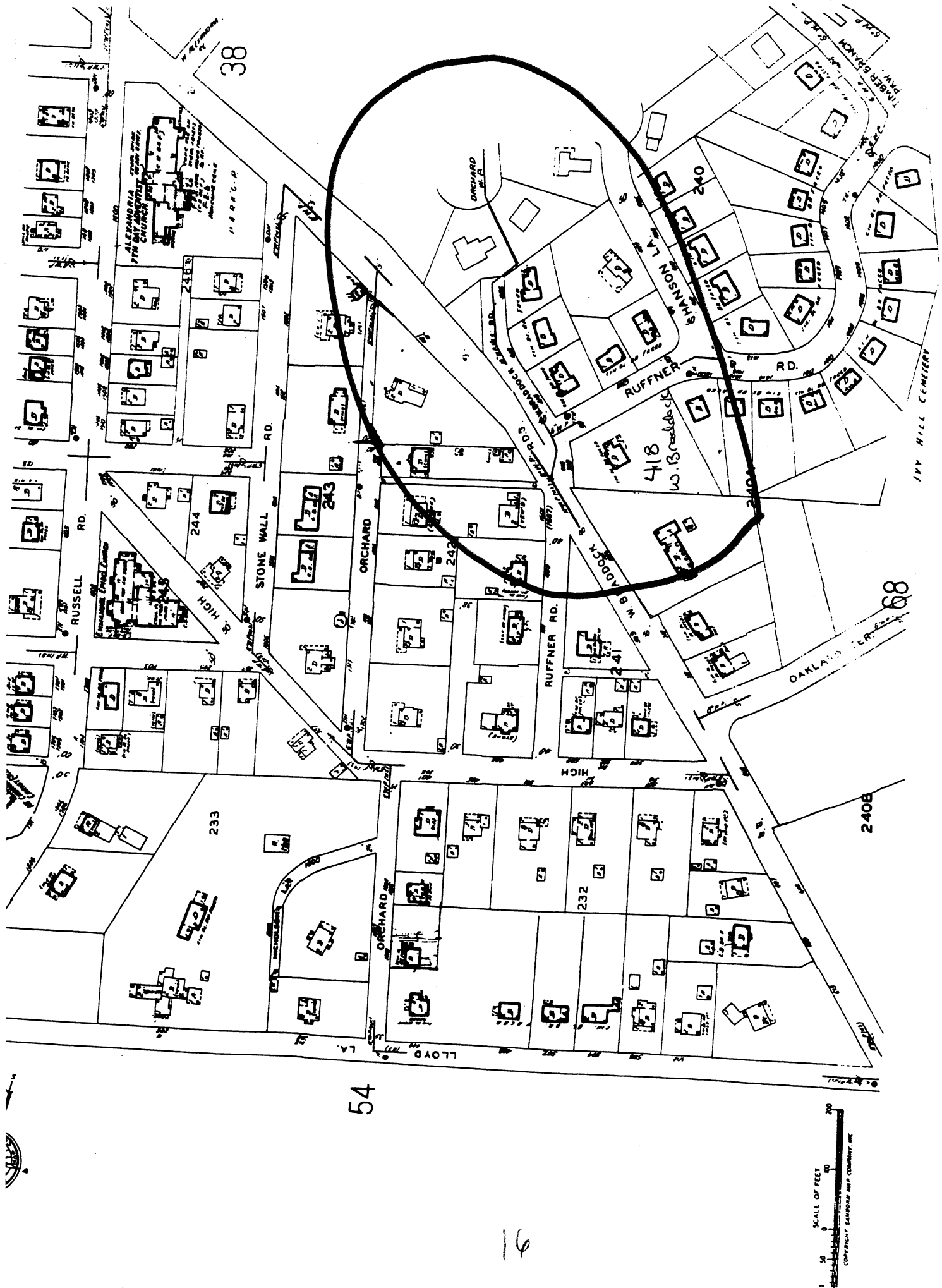
Richard E. Murphy

Ann R. Murphy

414 W. Braddock Road

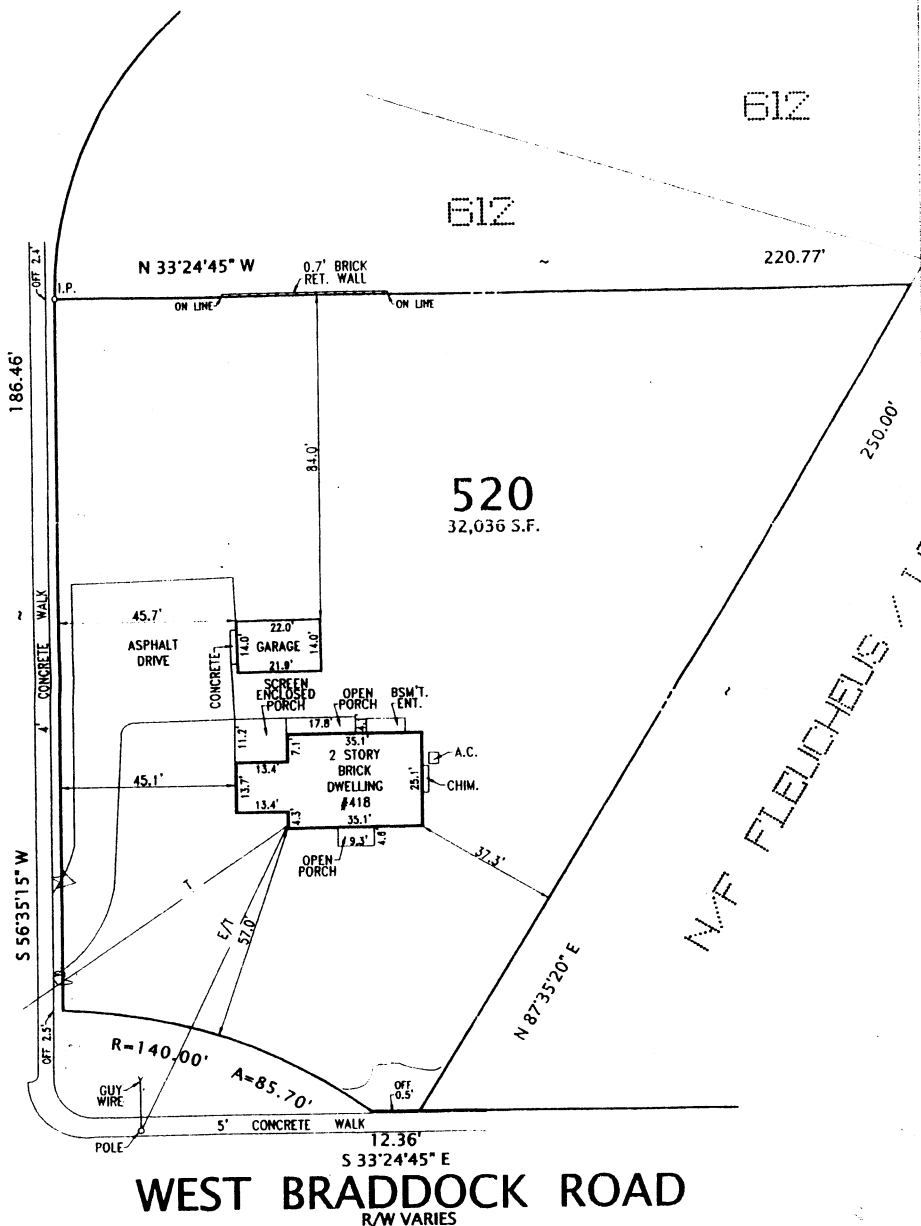
Alexandria, VA 22302

703-549-9081



Plan Planning & Zoning 1965-1968 MGO

KUFFNEK ROAD
50' R/W



CURVE DATA			
No	RADIUS	DELTA	ARC
1	15.00	91° 50' 24"	15.78
2	10.00	111° 59' 54"	11.78
3	10.00	111° 59' 54"	11.78
4	25.00	48° 11' 23"	21.04
5	25.00	48° 11' 23"	21.04
6	25.00	48° 11' 23"	21.04
7	25.00	48° 11' 23"	21.04
8	25.00	48° 11' 23"	21.04
9	25.00	48° 11' 23"	21.04
10	25.00	48° 11' 23"	21.04
11	25.00	48° 11' 23"	21.04
12	25.00	48° 11' 23"	21.04
13	25.00	48° 11' 23"	21.04
14	25.00	48° 11' 23"	21.04
15	25.00	48° 11' 23"	21.04
16	25.00	48° 11' 23"	21.04
17	25.00	48° 11' 23"	21.04
18	25.00	48° 11' 23"	21.04
19	25.00	48° 11' 23"	21.04
20	25.00	48° 11' 23"	21.04

TOTAL AREA OUTLOT 17 2,820⁺
 TOTAL AREA LOTS 146,607⁺
 TOTAL AREA STREETS 25,500⁺
 TOTAL AREA 172,905⁺

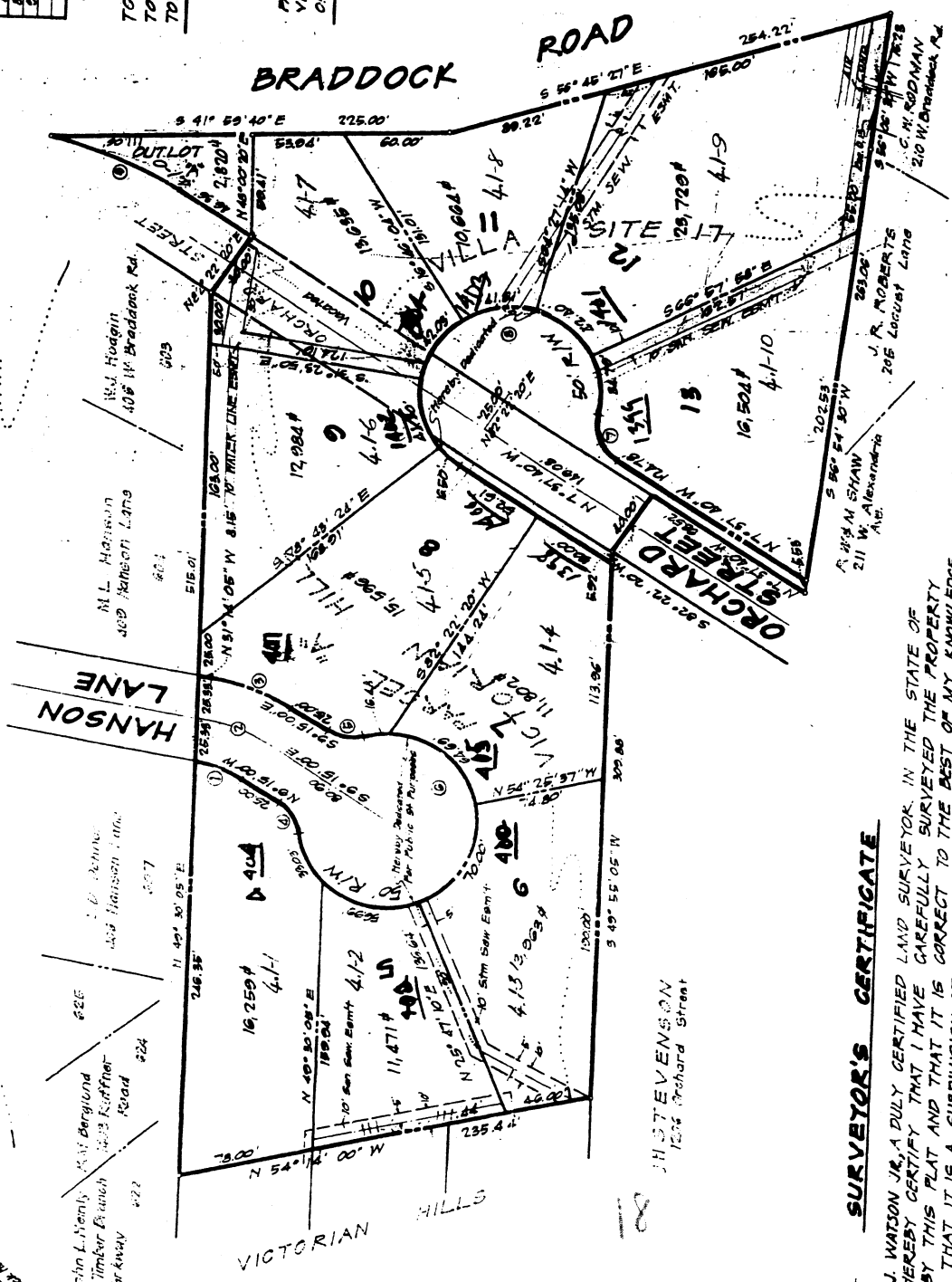
PARCEL 17
 VILLA SITE 17
 ORCHARD ST.
 94,400⁺
 67,144⁺
 11,000⁺
 TOTAL = 172,905⁺

APPROVED
 CITY PLANNING COMMISSION
 ALEXANDRIA, VA
 7/2/63

CHAIRMAN
 7/2/63

DIRECTOR OF PLANNING
 7/2/63

SECTION TWO
 PLAT
VICTORIAN HILLS
 BEING A RESUBDIVISION OF PARCEL 17
 VICTORIAN HILLS VILLA SITE 17
SOUTH BRADDOCK HEIGHTS
 ALEXANDRIA, VIRGINIA
 SCALE 1"=50'
 MARCH 1963



SURVEYOR'S CERTIFICATE

I, J. WATSON JR., A DULY CERTIFIED LAND SURVEYOR, IN THE STATE OF VIRGINIA, HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY BY THIS PLAT AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE THAT IT IS A SUBDIVISION OF PART OF THE LAND ACQUIRED BY BURKE, JR., TRUSTEE, FROM SARAH S. CARLIN, WIDOW, BY DEED DATED 1967, AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA, AS 672, AND THAT PORTION OF ORCHARD ST. VACATED BY THE

I hereby certify that the financial requirements of the City Planning Commission for public improvements have been met, and that this plat is correct and complete.

John L. Watson Jr.
 CERTIFIED LAND SURVEYOR

ORDINANCE NO. 1491

AN ORDINANCE to vacate a certain portion of Orchard Street in the City of Alexandria, Virginia.

WHEREAS, said vacation has been approved by the Planning Commission at one of its regular meetings; and

WHEREAS, the procedures required by law have been followed; and

WHEREAS, viewers were duly appointed by the Council of the City of Alexandria, Virginia and have made their report; and

WHEREAS, in consideration of the report of the said viewers recommending the said vacation, and of other evidence relative thereto, it is the opinion of the Council of the City of Alexandria, Virginia that the portion of Orchard Street, the public way hereinabove mentioned and hereinafter described, is not needed for public use and that it is in the public interest to vacate the said public way.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described public way known as Orchard Street, in the City of Alexandria, Virginia, be and the same hereby is vacated and abandoned:

Beginning at a point on the West line of Orchard Street, said point being the southeasterly corner of Lot 603 of the Division of Lot 521 of the Resubdivision of Villa Sites 19, 20 and 21; thence across Orchard Street North $82^{\circ} 22' 20''$ East 40.00 feet to the East line of Orchard Street; thence along the East line of Orchard Street South $07^{\circ} 37' 40''$ East 125.92 feet; thence on a curve to the left with a radius of 50.00 feet an arc distance of 50.10 feet to a point on the West line of Orchard Street; thence along the West line of Orchard Street North $07^{\circ} 37' 40''$ West 154.88 feet to the point of beginning, containing 5,386 square feet of land.

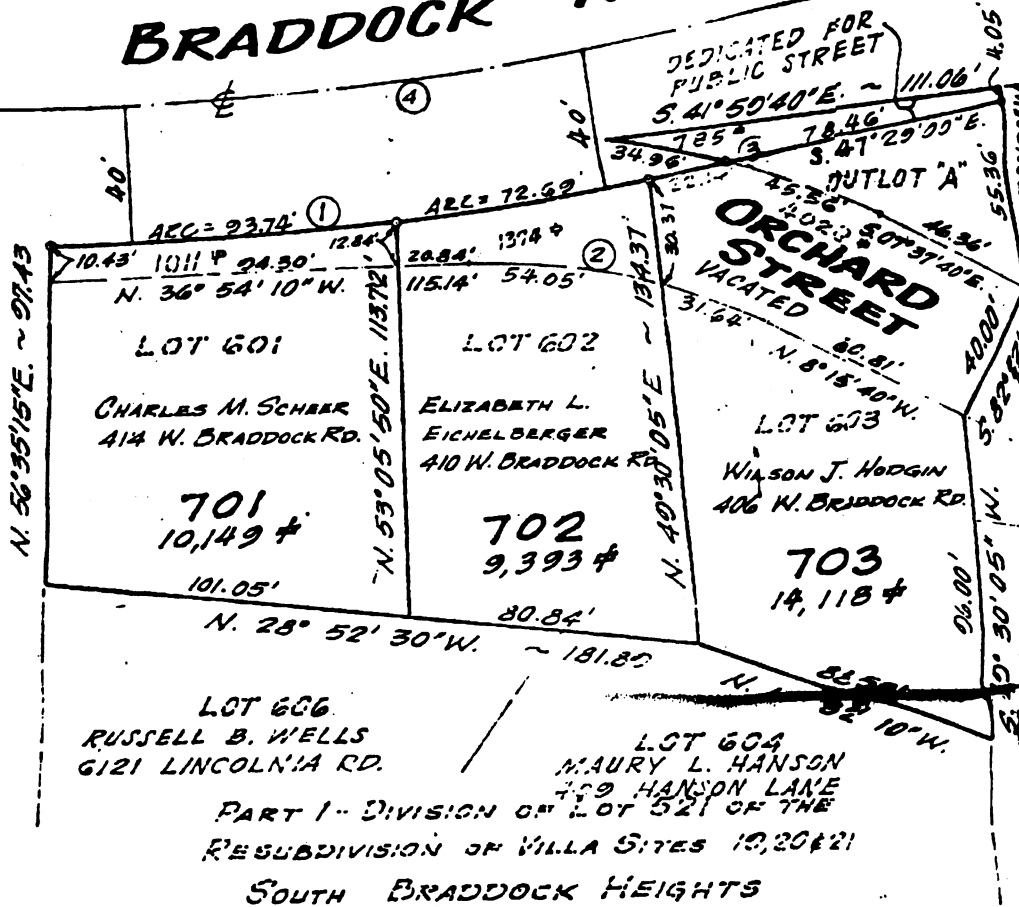
Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

FINAL PASSAGE: JULY 9, 1968

RUFFNER ROAD

BRADDOCK ROAD



Alexandria Co.
Approved, Sec.
Approval of
this plat will
be given by
after
approval
and

ORDINANCE NO. 1597

AN ORDINANCE to vacate a certain portion of Orchard Street in the City of Alexandria, Virginia.

WHEREAS, said vacation has been approved by the Planning Commission at one of its regular meetings; and

WHEREAS, the procedures required by law, including the posting of notice to the land proprietors affected, have been followed; and

WHEREAS, viewers were duly appointed by the Council of the City of Alexandria, Virginia and have made their report; and

WHEREAS, in consideration of the report of the said viewers recommending the said vacation, and of other evidence relative thereto, it is the opinion of the Council of the City of Alexandria, Virginia that the portion of Orchard Street, the public way hereinafter mentioned and hereinafter described, is not needed for public use and that it is in the public interest to vacate the said public way; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described portion of the public way known as Orchard Street, in the City of Alexandria, Virginia, be and the same hereby is vacated and abandoned:

Beginning at the northerly corner of Lot 601, Part 1, Division of Lot 521 of the resubdivision of Villa Sites 19, 20 and 21, South Braddock Heights, said corner being common to the southerly line of Ruffner Road and the westerly lines of Braddock Road and Orchard Street, thence N. $56^{\circ} 35' 15''$ E. 10.43 feet to a point 40 feet westerly of the center line of Braddock Road; thence along a line 40 feet westerly of the center line of Braddock Road on a curve to the left with a radius of 845.41 feet, an arc distance of 188.57 feet, the chord of said curve being S. $41^{\circ} 36' 01''$ E. 188.18 feet; thence with the easterly line of Orchard Street on a curve to the right with a radius of 240 feet, an arc distance of 45.56 feet, the chord of said curve being S. $13^{\circ} 03' 58''$ E. 45.49 feet; thence S. $7^{\circ} 37' 40''$ E. 46.36 feet, thence departing from the easterly line of Orchard Street S. $82^{\circ} 22' 20''$ W. 40.00 feet to the westerly line of Orchard Street; thence along the westerly line of Orchard Street N. $8^{\circ} 15' 40''$ W. 60.81 feet, thence on a curve to the left with a radius of 171.42 feet an arc distance of 85.69 feet, the chord of said curve being N. $22^{\circ} 34' 55''$ W. 84.80 feet; thence N. $36^{\circ} 54' 10''$ W. 115.14 feet to the point of beginning, containing 6405 square feet.

following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective on the day on which an approved plat of consolidation is recorded among the land records of the City of Alexandria, Virginia showing the consolidation of Lot 603 and Outlot A, which lot and outlot abut the above described portion of Orchard Street, and which Outlot A fronts on Braddock Road, and which lot and outlot are shown on a plat of vacation prepared by the civil engineering and land surveying firm of Copeland & Watson and dated April 15, 1969, and submitted to the city clerk of the City of Alexandria along with other material comprising the request for vacation of this portion of Orchard Street.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: SEPTEMBER 9, 1969

APPLICATION FOR:

[] MASTER PLAN AMENDMENT

MPA # 2005-0003

[] ZONING MAP AMENDMENT

REZ # 2005-0004

TA # 2005-0004

PROJECT NAME: Huntington Creek Area Plan

PROPERTY LOCATION: Huntington Creek

APPLICANT Name: Alexandria Planning & Zoning Dept

Address: _____

PROPERTY OWNER Name: The City of Alexandria

Address: _____

Interest in property: ☐ Owner ☐ Contract Purchaser
☐ Developer ☐ Lessee ☐ Other _____

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

☐ yes: If yes, provide proof of current City business license.

☐ no: If no, said agent shall obtain a business license prior to filing application.

THE UNDERSIGNED certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

=====

FOR CITY STAFF USE ONLY:

Date application received: _____

Fee Paid: \$ _____

Date application complete: _____

Staff Reviewer: _____

ACTION - PLANNING COMMISSION: MPA- approved REZ and TA- recommended approval 7-0 9/8/05

ACTION - CITY COUNCIL: 9/27/05 -CC approved the PC recommendation 5-2 with amendments
(see attachments)

City Council appointed Kathryn Vanzant as the one citizen member to the Alexandria Consumer Affairs Commission.

Council Action: _____

17. Alexandria Early Childhood Commission
1 Member-at-Large

City Council reappointed Maureen Leary as the one member-at-large to the Alexandria Early Childhood Commission.

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

18. Presentation by the Alexandria Health Department on the Voluntary Restaurant No-Smoking Program for Participating Alexandria Restaurants.

City Council heard a presentation by the Health Department on the voluntary restaurant no-smoking program.

Council Action: _____

19. Staff Presentation and Discussion of Traffic Issues.

City Council heard a presentation by Transportation and Environmental Services staff on traffic issues.

Council Action: _____

20. MASTER PLAN AMENDMENT #2005-0003 (A)
REZONING #2005-0004 (B)
TEXT AMENDMENT 2005-0004 (C)
HUNTING CREEK AREA PLAN

Deferral from September 20, 2005, Consideration of a request for:

(1) a revision to the Old Town Small Area Plan Addendum of the City's Master Plan to incorporate the Hunting Creek Area Plan; (2) amendments to the City of Alexandria zoning map to rezone certain properties affected by the construction of the Woodrow Wilson Bridge and identified on the City of Alexandria Tax Map, as follows 83.01-01-06 and 08 (1199 S. Washington St. and 1205 S. Alfred Street) from RC to UT; 83.02-01-02 (1100 S. Washington St.) from OCM (50) to UT; 83.02-01-03 (1150 S. Washington St.) from OCM (50) to RC and UT; and 83.02-01-05 and 06 (1202 and 1200 S. Washington St.) from RC to UT; and (3) amendments to Section 3-906 related to bulk and open space regulations and the addition of Section 3-908 of the Alexandria Zoning Ordinance to add design guidelines and standards for development for properties adjacent to South Washington Street (George Washington Memorial Parkway) south of the Capital Beltway. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA#2005-0003 Recommend Approval with amended conditions 7-0

REZ#2005-0004 Recommend Approval 7-0
TA#2005-0004 Recommend Approval 7-0
(#21, 9/20/05)

City Council approved the Hunting Creek Area Plan, with an amendment to Section 3.4.3 as follows: In order to retain affordable and workforce housing in the City, the City may consider a zoning text amendment or zone change to allow additional height and density with setbacks appropriate to the project and the site, and in conformance with the Board of Architectural Review's Washington Street Standards and Guidelines, with SUP approval, if the project provides for extraordinary affordable housing, including but not limited to the acquisition by the City, or by a non-profit housing corporation, of units at the project.

Council Action: _____

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None


ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said she serves as a member of the Steering Committee for Finance, Administration and Intergovernmental Relations on the National League of Cities, and they had a meeting preparing resolutions that will be presented to the national body in December, which will be posted on the NLC's website under FAIR, which is the acronym for the policy committee. The issues that affect the City most will be advance refunding issues for municipal tax exempt bonds and taxes on telecommunications, which the City already taxes cell phones, and for which there is quite a national stir. She noted that she also serves on the Virginia Municipal League's Finance Committee, and they are considering it and Virginia is a leader in this capacity and they talked about the work Virginia is doing with the telecommunications industry, as they still need revenues. She noted the other resolutions, which were unfunded mandates and a Daimler Chrysler business incentive that was offered that was then taken to court and the municipality then lost the right to offer an incentive to bring a business to their community, which is being appealed. It is important to municipalities as they are looking at the same kind of problem with the Federal Government as Virginia has with the State, as the State is fully capable of dictating what they are able to do because of the Dillon Rule, and the Federal government is doing the same kind of thing, which affect the revenues streams. She said the issues appear on the NLC website as resolutions and will be voted upon at the December NLC conference.

(b) Councilman Smedberg said he has been asked to chair the newly created Communications Committee of the Northern Virginia Regional Commission, which is part of the restructuring that started taking place last year. The Chair of the Legislative Committee is Fairfax County Chairman Gerry Connolly.


23
9-20-05

September 20, 2005

TO: Mayor Euille
FROM: Jackie Henderson 
SUBJECT: Viewers - Docket Item #23

Please appoint viewers from the attached list for docket item #23, the vacation of 418 W. Braddock Road, 2005-0003.

Jackie

 9/20/05

VIEWERS LIST

Mr. Donald Allen
102 Monroe Avenue
Alexandria, VA 22301
703 836-0094

Mr. Ross Bell
820 S. Washington St., #B-329
Alexandria, VA 22314
703 836-2001

Ms. Amoret Bunn
607 Melrose Street
Alexandria, VA 22302
703 683-1836

Mr. Rodger Digilio
1900 Mt. Vernon Avenue
Alexandria, VA 22301
703 548-6066

Ms. Katrine Fitzgerald
307 East Mason Avenue
Alexandria, VA 22301
703 683-1617

Ms. Gila Harris
5435 Richenbacher Avenue
Alexandria, VA 22304
703 671-9055

Mr. John Hines
13 East Myrtle Street
Alexandria, VA 22301
703 683-9659

Mrs. Judy Lowe
14 West Mount Ida Avenue
Alexandria, VA 22305
703 548-1713

Mr. Warren Almquist
201 East Monroe Street
Alexandria, VA 22302
703 684-3657

Mr. Bill Brandon
727 Upland Place
Alexandria, VA 22314
703 683-0927

Ms. Libby Cooperman
205 Yoakum Parkway, #215
Alexandria, VA 22304
703 370-9064

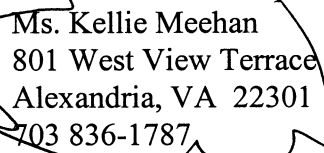
Ms. Marilyn Doherty
12 West Mount Ida Avenue
Alexandria, VA 22301
703 548-3095

~~Mrs. Ruby Fitzgerald~~
~~305 Summers Drive~~
~~Alexandria, VA 22301~~
~~703 548-7088~~

Ms. Debbera Hayward
5911-303 Edsall Road
Alexandria, VA 22304
703 370-7360

Mr. Jesse Jennings
1019 Oronoco Street
Alexandria, VA 22314
703 549-5229

~~Ms. Cathy Major~~
~~1431 Oronoco Street~~
~~Alexandria, VA 22314~~
~~703 836-2521~~



Ms. Kellie Meehan
801 West View Terrace
Alexandria, VA 22301
703 836-1787

Mr. Lee Roy Steele
516 North Patrick Street
Alexandria, VA 22314
703 549-7737

Tom Welsh
2100 Mount Vernon Avenue
Alexandria, Virginia 22301
703 683-2400

Ms. Ruby Tucker
254 Lynhaven Drive
Alexandria, VA 22305
703 549-7754

Elizabeth Wright
113 S. Ingram Street
Alexandria, Virginia 22304
202 548-3777

Dennis Jones
608 S. View Terrace
Alexandria, Virginia 22314
703 329-7181



<smurff2@verizon.net>

09/18/2005 08:08 PM

Please respond to
<smurff2@verizon.net>

<alexvamayor@aol.com>, <delpepper@aol.com>,
To <council@joycewoodson.net>, <councilmangaines@aol.com>,
<council@krupicka.com>, <macdonaldcouncil@msn.com>,

cc

bcc

City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
Subject councilmangaines@aol.com, council@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,
tom.raycroft@alexandriava.gov)

**City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
councilmangaines@aol.com, council@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,
tom.raycroft@alexandriava.gov)**

Time: [Sun Sep 18, 2005 20:08:52] IP Address: [70.108.4.97]

Response requested: []

First Name: Richard
Last Name: Murphy
Street Address: 414 W. Braddock Road
City: Alexandria
State: VA
Zip: 22302
Phone: 703-549-9081
Email Address: smurff2@verizon.net
September 18, 2005

RE: September 20, 2005 City Council Meeting
Docket #23 VACATION #2005-2003 418 West
Braddock Road

Mayor Euille and Members of the City Council:

Our home is located at 414 W. Braddock Road on
the corner of Ruffner Road directly opposite the
small area for which a vacation is being sought by
Richard and Elizabeth Tonner at 418 West
Braddock Road. We strongly support approval of
the Tonner petition.

23
9-20-05

Comments:

Over thirty-five years ago the Alexaandria City Council vacated portions of Orchard Street. Three property owners, including ourselves , were given large parcels of land from an area very much greater than the small strip which the Tonners have requested. The land was given to us without cost. We paid a small filing fee to register the deeds involved.

We hope that this City Council will rectify the omission of the 1969 Council by vacating this property and approving the Tonner request. They have maintained this property beautifully.

Sincerely yours,

Richard E. Murphy
Ann R. Murphy